IN THE HIGH COURT OF JUDICIATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX REFERENCE NO.789 OF 1998

The Commissioner of Income-tax,
Bombay City VI, Bombay .. Applicant.
V/s.
M/s.Roples (India) Ltd. .. Respondent.

Mr.Parag Vyas with Mr.Ashok Kotangale & Mr.A.S. Rao for the applicant.
Mr.P.G. Rao, Dy. Official Liquidator present.

CORAM : V.C. DAGA &
J.P. DEVADHAR, JJ.

DATED : 18TH OCTOBER, 2005.

P.C. :

1. Heard the learned counsel for the applicant. The Tribunal has referred following question for the opinion of this Court reading as under :-

> Whether on the facts and in the circumstances of the case, the Tribunal was right in law in holding that the entire initial contribution to superannuation fund is allowable as a deduction as against 1/5th of 80 percent of the initial contribution allowed by the I.T.O. in terms of C.B.D.T. Notification No.100 dated 21.10.1965 ?

2. The learned counsel for the applicant-revenue fairly submits that the above question has already been answered by Supreme Court in the case of CIT V/s. Sirpur Paper Mills [(1999) 237 ITR 41 (SC)] in favour of the assessee and against the revenue. In this view of the matter, question stands answered in affirmative for the reasons stated in the case cited supra. Reference, accordingly stands disposed of with no order as to costs.

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